IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 31457 of 2006(T)

PETITIONER:

C.MOHANABALAN, S/O.T.K.KUTTIKRISHNAN NAIR, GENERAL MANAGER (MARKETING & PERSONNEL), KERALA STATE WAREHOUSING CORPORATION,HEAD OFFICE, ERNAKULAM,P.B.NO.1727,WAREHOUSING CORPORATION ROAD COCHIN-16(UNDER ORDERS OF SUSPENSION)R/AT.31/363-A1,PARADISE GARDENS& ROAD,VYTTILA PO,COCHIN-682019

BY ADV. SRI.P.N.RAVINDRAN
SMT.PREETHY KARUNAKARAN
SMT.MEENA.A.
SMT.M.R.MINI
SRI.JAYKAR.K.S.

RESPONDENTS:
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1. **THE KERALA STATE WAREHOUSING CORPORATION HEAD OFFICE,ERNAKULAM, P.B.NO.1727, WAREHOUSING CORPORATION ROAD, COCHIN-682 016, REPRESENTED BY ITS MANAGING DIRECTOR.**

2. **LT.COL.(RETD) K.G.RAMACHANDRAN, MANAGING DIRECTOR, KERALA STATE WAREHOUSING CORPORATION, RESIDING AT 7-H, J.M.CRESCENT, P.J.ANTONY ROAD, PALARIVATTOM, COCHIN-682 025.**

BY ADV. SRI.MAJNU KOMATH, SC, K.S.W.C.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/06/2007, ALONG WITH WPC NO. 14511 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.31457/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE LIST OF FILES HANDED OVER BY THE PETITIONER TO K.ABDUL LATHEEF, MANAGER (BUSINES).

EXT.P2:- COPY OF THE LIST OF FILES HANDED OVER BY THE PETITIONER TO V.CHANDRAKANTH , P.A. TO THE MANAGING DIRECTOR.

EXT.P3:- COPY OF THE MEMO DT.2.11.06 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.

EXT.P4:- COPY OF THE REPLY DT.2.11.06 SUBMITTED BY THE PETITIONER TO EXT.P3 MEMO.

EXT.P5:- COPY OF THE COUNTER AFFIDAVIT DT.18.11.06 FILED BY THE 2ND RESPONDENT IN WP(C) NO. 30395/06.

EXT.P6:- COPY OF THE PROCEEDINGS DT.20.11.06 ISSUED BY THE 2ND RESPONDENT, PLACING THE PETITIONER UNDER SUSPENSION.

RESPONDENTS EXHIBITS

EXT.R1(A):- EXTRACT COPY OF THE MINUTES OF THE 178TH EXECUTIVE COMMITTEE HELD ON 13.11.06.

/TRUE COPY/

P.A. TO JUDGE

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K.BALAKRISHNAN NAIR,J.

WP(C)NO.31457 OF 2006-T

Judgment

The petitioner is an Officer of the 1st respondent Corporation. In contemplation of disciplinary proceedings, he has been placed under suspension by Ext.P6 order dated 20.11.2006. The petitioner submits, now, more than six months are over and therefore, the respondents are liable to review his suspension. Going by Ext.P6, the challenge against the same cannot be entertained, though the petitioner seriously disputes the allegations levelled against him in it. It is a matter for the disciplinary authority to decide whether the allegations are correct or not. But, since six months are over, it is only appropriate that the disciplinary authority considers whether continued suspension of the petitioner is necessary or not, pending finalisation of the proceedings against him. In other words, it shall consider whether he could be reinstated. If the petitioner moves seeking this relief, the Executive Committee of the Board of Directors of the 1st respondent Corporation will consider and pass orders thereon in accordance with law within two months from the date of receipt of a copy of this judgment.

04.06.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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